

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

WILLIAM JAMAL JOHNSON,

Plaintiff,

v.

No. 04-2527 B

UNITED STATES OF AMERICA,

Defendant.

ORDER OF DISMISSAL

Plaintiff, William Jamal Johnson, filed the instant motion pro se pursuant to 28 U.S.C. § 2255 alleging ineffective assistance of counsel based on appointed counsel's alleged failure to appeal his sentence and as well as a challenge under Blakely v. Washington, 542 U.S. 296 (2004). On January 26, 2006, this Court referred the matter to United States Magistrate Judge Tu M. Pham to conduct a hearing to determine whether Johnson qualifies for court appointed counsel. On March 13, 2006, the magistrate judge entered a report noting that Johnson informed the Court that, since filing his § 2255 petition, he had been released from prison and consequently, no longer wished to pursue this matter. On this basis, the magistrate judge recommended that the petition be dismissed. Subsequently, on March 14, 2006, Plaintiff filed a motion requesting that the instant matter be dismissed without prejudice. The Defendant has no objection to the dismissal. Accordingly, for good cause shown, Plaintiff's motion is hereby GRANTED and the instant matter is DISMISSED without prejudice.

IT IS SO ORDERED this 4th day of April 2006.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE